

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 2-3 and 14-15 have been canceled in this paper. Claims 1 and 4-13 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 1 and 4-13 are pending and are under active consideration.

The disclosure stands objected to for the following reasons:

[S]ince the specification is a translation for a foreign language it should be reviewed and revised to ensure that it conforms to U.S. practice which should include headings to the various sections.

Applicant, while noting that section headings are not mandatory under U.S. practice, has amended the specification to include such section headings. Accordingly, it is respectfully submitted that the subject objection to the specification has been overcome and should be withdrawn.

Claims 1-15 stand rejected under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In support of the rejection, the Patent Office states the following:

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example: In claims 1 and 14, “to be precise” is indefinite. In at least claims 4, 8 and 12 there is no antecedent basis for “the edge”. In at least claims 6, 7 and 13, there is no antecedent basis for “the flange”. In at least claim 8, there is no antecedent basis for “the step”. In at least claim 10, there is no antecedent basis for “the surfaces”. Claim 11 is indefinite because the sealing means is only between the locking means and cap. In at least claim 12, there is no antecedent basis for “the free region”. In at least claim 13, there is no antecedent basis for “the sealing means”.

Lastly, in at least claim 15, there is no antecedent basis for “said flange”, “the radial inwardly-oriented free region” and “the edge”.

Insofar as the subject rejection pertains to claims 2-3 and 14-15, the rejection is moot in view of Applicant’s cancellation herein of claims 2-3 and 14-15. Insofar as the subject rejection pertains to claims 1 and 4-13, the claims have been amended, among other things, to address the points raised by the Patent Office. Applicant respectfully submits that the claims are now definite. Therefore, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-2, 4-6, 9 and 14 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Wilson (US 6,592,314).” In support of the rejection, the Patent Office states the following:

Wilson discloses a wheel nut comprising a nut body with a radial collar (12); a thrust washer (21) and a cap (40 [mislabeled 30 in Fig. 1]). There is a locking means formed as an inwardly bent free region (44) of a flange (43) connecting the cap, washer and body such that the body rotates relative to the washer.

Insofar as the subject rejection pertains to claims 2 and 14, the rejection is moot in view of Applicant’s cancellation herein of claims 2 and 14. Insofar as the subject rejection pertains to claims 1, 4-6 and 9, Applicant respectfully traverses the subject rejection.

Claim 1, which has been amended herein, now recites “[a] wheel nut comprising a nut body with a widened radial collar, a thrust washer which is held rotatably and captively on the nut body by a locking means, and a cap arranged on the nut body, wherein the locking means is formed as an annular edge on the thrust washer, said annular edge overlapping the widened radial collar and a flange formed at a free end of the cap in such a way that the cap and the thrust washer are held jointly on the nut body.”

Claim 1 is neither anticipated by nor rendered obvious over Wilson for at least the reason that Wilson does not teach or suggest a wheel nut comprising, among other things, locking means comprising an annular edge on a thrust washer, the annular edge of the thrust washer overlapping a widened radial collar of a nut body and a flange formed at a free end of a cap in such a way that the annular edge holds the cap and the thrust washer jointly on the nut body.

By contrast, Wilson discloses a wheel nut and washer assembly wherein the periphery of an ornamental cap is crimped to hold the nut body and the washer together. In other words, **whereas the claimed wheel nut uses an annular edge of a thrust washer to retain a cap and the thrust washer on a nut body, Wilson uses the cap to hold the thrust washer and the nut body together.** Therefore, Wilson does not teach or suggest the claimed arrangement.

In a subsequent rejection in the instant Office Action, the Patent Office apparently concedes that Wilson does not teach the locking means now recited in claim 1. Nevertheless, the Patent Office argues that this missing teaching is provided by Bydalek (U.S. Patent No. 6,435,791), which allegedly discloses a washer having a flange crimped over a nut. Applicant respectfully submits that there is no basis for modifying Wilson along the lines of Bydalek. This is because the central teaching of Wilson is to use a decorative cap on a wheel nut to hold the washer to the wheel nut, thereby eliminating the need to crimp the washer around the nut (see col. 1, lines 17-22; col. 1, lines 43-45; col. 2 lines 64-67, of Wilson). It would have made no sense to one of ordinary skill in the art to have modified Wilson so that the Wilson thrust washer is crimped around its cap and nut body **since this would involve performing the very step that Wilson seeks to eliminate.** It should also be noted that, in contrast with both Wilson and the claimed invention, Bydalek does not even teach fixing a protective cap to the washer.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 3, 7 and 8 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Wilson as applied to claim 1 above, and further in view of Bydalek (US 6,435,791).” In support of the rejection, the Patent Office states the following:

Wilson does not disclose the locking means formed on the washer. Bydalek discloses a wheel nut wherein a locking means (32) is formed on an edge of a washer (16) and further shows a step (26) running around a nut body. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to locate the locking means of Wilson on the washer and include a step as disclosed in Bydalek because Bydalek teaches it to be equivalent to the current arrangement in Wilson (note Fig. 11).

Insofar as the subject rejection pertains to claim 3, the rejection is moot in view of Applicant’s cancellation herein of claim 3. Insofar as the subject rejection pertains to claims 7 and 8, Applicant respectfully traverses the subject rejection.

Claims 7 and 8 depend from claim 1. Claim 1 is patentable over Wilson in view of Bydalek for at least the reasons given above. Therefore, based at least on their respective dependencies from claim 1, claims 7 and 8 are patentable over the applied references. Claim 7 is further patentable over the applied references for at least the reason that the references do not teach or suggest the claimed step in the cap.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claim 10 stands rejected under 35 U.S.C. 103(a) “as being unpatentable over Wilson as applied to claim 1 above, and further in view of Underwood (US 4,717,299).” In support of the rejection, the Patent Office states the following:

Wilson does not disclose a central recess. Underwood discloses a wheel nut therein, as seen in Fig. 3, there is a central

recess between a surface of a washer (13) and a surface of a nut body (6). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide a central recess in Wilson as disclosed in Underwood in order to reduce friction between the nut body and washer to facilitate relative rotation.

Applicant respectfully traverses the subject rejection. Claim 10 depends from claim 1. Claim 1 is patentable over Wilson for at least the reasons given above. Underwood fails to cure all of the deficiencies of Wilson with respect to claim 1. Therefore, based at least on its dependency from claim 1, claim 10 is patentable over the applied combination of references.

In addition, Applicant respectfully submits that there is no basis for combining Wilson and Underwood in the manner proposed.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 11-13 and 15 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Wilson as applied to claim 1 above, and further in view of Shaw (US 4,295,766).” In support of the rejection, the Patent Office states the following:

Shaw teaches to provide a sealing ring (24) between a free edge of (11) of a washer (1) and a flange (17) of a cap (3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide a sealing ring between the cap and washer of Wilson as disclosed in Shaw in order to prevent moisture from entering within the cap and corroding the nut body and stud.

Insofar as the subject rejection pertains to claim 15, the rejection is moot in view of Applicant’s cancellation herein of claim 15. Insofar as the subject rejection pertains to claims 11-13, Applicant respectfully traverses the subject rejection.

Claims 11-13 depend from claim 1. Claim 1 is patentable over Wilson for at least the reasons given above. Shaw fails to cure all of the deficiencies of Wilson with respect to claim 1. Therefore,

based at least on their respective dependencies from claim 1, claims 11-13 are patentable over the applied combination of references.

In addition, Applicant respectfully submits that there is no basis for combining Wilson and Shaw in the manner proposed.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Kriegsman & Kriegsman

By: Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

Dated: December 21, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 21, 2004

Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
Dated: December 21, 2004